

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of
Vancura

Group Art Unit: 3711

Serial No.: 09/372,560

Examiner: W. Picree

Filed: August 11, 1999

For: KNOWLEDGE-BASED CASINO GAME
AND METHOD THEREFOR

DECLARATION OF FREDRIC E. GUSHIN
UNDER 37 CFR 1.132

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

I, Fredric E. Gushin, do hereby declare that:

1. I am the Managing Director of Spectrum Gaming located at 2 Donovan Road, Pennington, NJ 08534. From 1973 until 1978 I served as a Trademark Attorney and, on a detail, as a Special Assistant to The Assistant Commissioner of Trademarks. From 1978 until 1991, I was a Deputy Attorney General for the State of New Jersey assigned to the State of New Jersey Division of Gaming Enforcement (DGE) where I rose to the position of Assistant Director of DGE. In this latter position I had the direct responsibility over the gaming equipment laboratory wherein all gaming devices were tested to ensure they met the standards for the State of New Jersey. From 1993 until the present, I have been Managing Director of Spectrum Gaming (Spectrum). Spectrum is an international casino gaming consultancy involved in both gaming regulatory and casino development issues. In this capacity I have had the opportunity to review and recommend to casino customers a vast number of gaming devices used in the industry since 1993.
2. In the United States all gaming jurisdictions, based on my knowledge and experience, require that play of the game and the resulting house advantage be set over all play of a casino game chance. For example, a casino game may not alter pay-tables or any function based upon the internal computation of the hold percentage. Moreover, the game must not have any detectable patterns of game elements or detectable dependency on any previous game outcome, the amount wagered, or upon the style or method of play. All jurisdictions, based upon my knowledge and experience, further require that a gaming device must pay out to a player a mathematically demonstrable percentage of all amounts wagered.

3. I have reviewed the Mikohn Gaming Corporation casino game of chance called "Ripley's Believe It or Not - Adventures in Trivia." In my experience, I am not aware of any casino game of chance having a bonus game wherein players can actually provide correct answers based on their player's knowledge to the casino game and receive higher payoffs. Before the Ripley's Casino game, I had never seen a game with this unique feature that could be included in the gaming device and still guarantee the necessary house advantage (especially against a player who knows all the answers) to allow approval in North American Gaming jurisdictions. Further, the Ripley's casino game provides lower payoffs to players who do not have the correct answers thereby encouraging such players to play. I was very surprised and intrigued to find such features available, as I previously did not believe it was possible to include such a knowledge-based component in a casino game and still have the game adhere to the necessary house advantage requirements of North American gaming jurisdictions.
4. I hereby declare that all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and that the foregoing statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that my willful false statements or the like may jeopardize the validity of the above-identified patent application or any patent issued thereon.

May 31, 2001
Date

Fredric E. Gushin
Fredric E. Gushin